THE SHREEMATI NATHIBAI DAMODAR THACKERSEY WOMEN'S UNIVERSITY ACT, 1949.

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SCHEDULE.

BOMBAY ACT No. LI OF 1949.[1]

[THE SHREEMATI NATHIBAI DAMODAR THACKERSEY WOMEN'S UNIVERSITY ACT, 1949.]

[*23rd November 1949*]

An Act to recognize Women's University in the Province of Bombay to be known as the " Shreemati Nathibai Damodar Thackersey Women's University ".

WHEREAS a society known as the Shreemati Nathibai Damodar Thackersey Indian Women's University has been registered under the Societies Registration Act, 1860, and is maintaining women's colleges in the cities of Bombay and Poona ;

XXI of 1860.

AND WHEREAS the said society through its Chancellor has requested the Provincial Government to initiate legislation for the purpose of obtaining statutory recognition ;

AND WHEREAS in response to the said request the Provincial Government appointed a committee to report on the question and the said committee has made a report suggesting that the legislation giving recognition should provide for certain matters ;

AND WHEREAS the Provincial Government having considered the said report has come to the conclusion that an enactment should be passed for the purpose according statutory recognition to the said society and to establish

[1]For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1949, Part V, page 689.

the same as a University for imparting higher education to women specially suited to their needs and requirements ; It is hereby enacted as follows :—

CHAPTER I.

Preliminary.

Short title and commencement.

1. (*1*) This Act may be called the Shreemati Nathibai Damodar Thackersey Women's University Act, 1949.

(*2*) This section shall come into force at once.

(*3*) The Provincial Government may, by notification in the *Official Gazette*, direct that all or any of the remaining provisions of this Act shall come into force on such date or dates as may be specified in the notification.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) " Affiliated " means admitted or deemed to have been admitted to the privileges of the University under section 5 or affiliated under section 27 ;

(*2*) " College " means an affiliated college ;

(*3*) " Consent decree " means the consent decree passed by the High Court of Bombay in exercise of its ordinary original jurisdiction in civil suit No. 255 of 1935 ;

(*4*) " High School " means a high school which has been conducted or recognized by the University ;

(*5*) " Hostel " means a unit of residence for students maintained or recognized by the University under this Act ;

(*6*) " Principal " means the head of a college ;

(*7*) " Recognized institution " means an institution for research or specialized studies other than an affiliated college and recognized as such by the University ;

(*8*) " Registered graduate " means a graduate registered under the provisions of this Act ;

(*9*) " Society " means the Shreemati Nathibai Damodar Thackersey Indian Women's University registered under the Societies Registration Act, 1860, and dissolved under this Act ; XXI of 1860.

(*10*) " Statutes " and " Ordinances " mean respectively the Statutes and Ordinances of the University made under this Act and for the time being in force ;

(*11*) " Teachers " means professors, readers, lecturers, and such other persons imparting instruction in the University, an affiliated college or a recognized institution as may be declared to be teachers by the Statutes ;

(*12*) " Teachers of the University " means teachers appointed or recognized by the University for imparting instruction on its behalf ;

(*13*) " University " means the Shreemati Nathibai Damodar Thackersey Women's University constituted under this Act.

CHAPTER II.

The University.

Incorporation of University.

3. (*1*) The Chancellor, the Vice-Chancellor of the University and the members of the Senate and the Syndicate of the University and all persons who may hereafter become such officers or members, so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of " The Shreemati Nathibai Damodar Thackersey Women's University ".

(*2*) The University shall have perpetual succession and a common seal and shall sue and be sued by the said name.

(*3*) The University shall be competent to acquire and hold property, both moveable and immovable, to lease, sell or otherwise transfer any moveable or immovable property which may have become vested in or been acquired by it for the purposes of the University and to contract and to do all other things necessary for the purposes of this Act.

(*4*) For the purposes of this Act, the University shall be deemed to have been established from the date on which the provisions of this section shall come into force.

Powers, duties and functions of University.

4. Subject to such conditions as may be prescribed by or under the provisions of this Act, the University shall have the following powers, duties and functions, namely :—

(*1*) to manage and control all such educational institutions as may be or may have been deemed to be established for the purpose of imparting higher education to women specially suited to their needs and requirements ;

(*2*) to provide for instruction, teaching and training in such branches of learning and courses of study as it may think fit and to make provision for research and dissemination of knowledge ;

(*3*) to establish, maintain and manage colleges, departments and institutes of research or specialized studies ;

(*4*) to institute professorships, readerships, lecturerships and any other posts of teachers required by the University ;

(*5*) to appoint or recognize persons as professors, readers or lecturers or otherwise as teachers of the University ;

(*6*) to lay down the courses of instruction for various examinations ;

(*7*) to guide the teaching in affiliated colleges or recognized institutions;

(*8*) to institute degrees, titles, diplomas and other academic distinctions;

(*9*) to hold examinations and confer degrees, titles, diplomas and other academic distinctions on persons who—

(*a*) have pursued approved courses of study in the University or in an affiliated college unless exempted therefrom in the manner prescribed by the Statutes and Ordinances and have passed the examinations prescribed by the University:

Provided that with the previous sanction of the Provincial Government the Senate may make provision for examining and conferring degrees upon women who have not pursued a course of studies in the University or in an affiliated college; or

(*b*) have carried on research under conditions prescribed by the Statutes;

(*10*) to confer honorary degrees, titles or other academic distinctions in the manner laid down by the Statutes;

(*11*) to grant such diplomas to, and to provide such lectures, instruction and training, for persons not being enrolled students of the University as the University may determine by the Statutes and Ordinances;

(*12*) to admit educational institutions to the privileges of the University and to withdraw such privileges;

(*13*) to inspect colleges and recognized institutions and to take measures to ensure that proper standards of instruction, teaching or training are maintained in them;

(*14*) to control and co-ordinate the activities of, and give financial aid to, affiliated colleges and recognized institutions;

(*15*) to hold and manage endowments and to institute and award fellowships, travelling fellowships, scholarships, studentships, exhibitions, medals and prizes;

(*16*) to make special provision for the spread of university education among classes and communities which are educationally backward;

(*17*) to fix, to demand and to receive such fees and other charges as may be prescribed by the Statutes;

(*18*) to establish, maintain and manage hostels;

(*19*) to recognize hostels not maintained by the University, to inspect such hostels and to withdraw recognition therefrom;

(*20*) to supervise and control the residence, conduct and discipline of the students of the University and to make arrangements for promoting their health and general welfare;

(*21*) to make provision—

(*a*) for extra-mural teaching and research,

(*b*) for physical training and military training,

(*c*) for students' unions,

(*d*) for sports and athletic clubs,

(*e*) for employment Bureau, and to make grants from the funds of the University to colleges, high schools and hostels recognized by the University;

(*22*) to co-operate with other Universities and authorities in such manner and for such purposes as the University may determine;

(*23*) to do all such acts and things whether incidental to the powers aforesaid or not as may be requisite in order to further the objects of the University and generally to cultivate and promote arts, science and other branches of learning and culture; and

(*24*) save as otherwise expressly provided by or under the provisions of this Act, but subject to the provisions thereof, to exercise or perform all such powers, duties and functions as are required to be exercised or performed under the provisions of the consent decree.

Admission to privileges and jurisdiction.

5. (*1*) Notwithstanding anything contained in any law for the time being in force, with effect from the date on which this section comes into force all educational institutions conducted by or admitted to the privileges of the society shall be deemed to be admitted to the privileges of the University, and the University shall, as far as may be possible and consistent with this Act, admit such institutions to all such privileges as they had from the society immediately before such date.

(*2*) Any educational institution in the Province of Bombay or in other territories may, subject to such conditions and restrictions as the University and the Provincial Government think fit to impose, be admitted to the privileges of the University.

Membership of authorities of University open to all irrespective of sex, religion, class, creed or opinion.

6. (*1*) No person shall be excluded from any office of the University or from membership of any of its authorities on the sole ground of race, creed, class, religious belief or political or other opinion.

(*2*) It shall not be lawful for the University to impose on any person any test whatsoever relating to race, creed, class, religious belief or profession of political or other opinion in order to entitle him to be admitted as a teacher or to hold any office or post in the University.

Inspection and inquiry.

7. (*1*) The Chancellor shall have the right to cause an inspection to be made by such person or persons as he may direct, of the University, its buildings, laboratories, libraries, museums, workshops and equipment, of any institution, college or hostel maintained, recognized by or affiliated to, the University, of the teaching and other work conducted by the University and of the conduct of examinations held by the University ; and to cause an inquiry to be made in respect of any matter connected with the University. The Chancellor shall in every case give notice to the University of his intention to cause an inspection or inquiry to be made and the University shall be entitled to be represented thereat.

(*2*) The Chancellor shall communicate to the Senate and to the Syndicate his views with reference to the results of such inspection or inquiry and shall, after ascertaining the opinion of the Senate and the Syndicate thereon, advise the University on the action to be taken.

(*3*) The Syndicate shall report to the Chancellor such action, if any, as it has taken or may propose to take upon the results of the inspection or inquiry. Such report shall be submitted with the opinion of the Senate thereon and within such time as the Chancellor may direct.

(*4*) Where the Syndicate does not within a reasonable time take action to the satisfaction of the Chancellor, the Chancellor may, after considering any explanation furnished or representation made by the Syndicate, issue such directions as he may think fit and the Syndicate shall comply with such directions.

(*5*) The Provincial Government may, whenever it deems fit, cause a like inspection or inquiry to be made in the manner described in sub-sections (*1*) to (*3*) and shall have, for the purposes of such inspection or inquiry, all the powers of the Chancellor under the said sub-sections.

CHAPTER III.

Officers of the University.

Officers of University.

8. The following shall be the officers of the University namely :—

(i) the Chancellor,

(ii) the Vice-Chancellor,

(iii) the Deans of Faculties,

(iv) the Registrar, and

(v) such other officers in the service of the University as may be declared by the Statutes to be officers of the University.

Chancellor.

9. (*1*) The Governor of Bombay for the time being shall be the Chancellor of the University:

Provided that after the expiry of the first five years from the date of the establishment of the University, the Chancellor shall be a person elected by the Senate in such manner as may be prescribed by the Statutes. The Chancellor so elected shall hold office for a term of three years.

(*2*) The Chancellor elected by the Senate shall be an honorary officer.

(*3*) The Chancellor shall, by virtue of his office, be the head of the University and the president of the Senate and shall, when present, preside at the meetings of the Senate and at any convocation of the University.

(*4*) The Chancellor shall have such other powers as may be conferred on him by this Act or the Statutes.

Vice-Chancellor.

10. (*1*) Subject to the confirmation of the Chancellor, the Vice-Chancellor shall be elected by the Senate from among three persons recommended by a majority of the members of the Syndicate present at the meeting. Such recommendation shall be made according to the distributive system of voting.

(*2*) The Vice-Chancellor shall hold office for a term of three years.

(*3*) Where any temporary vacancy in the office of the Vice-Chancellor occurs by reason of leave, illness or other cause, the Syndicate shall, as soon as possible, subject to the approval of the Chancellor, make such arrangements for carrying on the duties of the office of the Vice-Chancellor as it may think fit. Until such arrangements are made, the Dean nominated by the Chancellor for that purpose shall carry on the current duties of the office of the Vice-Chancellor.

(*4*) The Vice-Chancellor shall be an honorary officer. The Senate may determine the honoraria to be paid to such officer and prescribe the conditions subject to which such office shall be held.

Powers of Vice-Chancellor.

11. (*1*) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall, in the absence of the Chancellor, preside at meetings of the Senate and any convocation of the University. He shall be an *ex-officio* member and the Chairman of the Syndicate. He shall be entitled to be present, with the right to speak, at any meeting of any other authority or body of the University, but shall not be entitled to vote thereat unless he is a member of that authority or body. While presiding at a meeting of any authority or body of which he is a member he shall have a second or casting vote in the event of an equality of votes.

(*2*) The Vice-Chancellor shall have the power to convene meetings of the Senate and the Syndicate. He may delegate this power to any other officer of the University.

(*3*) It shall be the duty of the Vice-Chancellor to ensure that this Act, the Statutes and Ordinances are faithfully observed and he shall have all powers necessary for this purpose.

(*4*) (*a*) In any emergency which, in the opinion of the Vice-Chancellor, requires that immediate action should be taken, he shall take such action as he deems necessary and shall at the earliest opportunity thereafter report his action to such officer, authority or body as would have in the ordinary course dealt with the matter.

(*b*) When action taken by the Vice-Chancellor under this sub-section affects any person in the service of the University such person shall be entitled to prefer an appeal through the said officer, authority or body to the Syndicate within fifteen days from the date on which such action is communicated to him.

(*5*) The Vice-Chancellor shall give effect to the orders of the Syndicate regarding the appointment, dismissal and suspension of the persons in the service of the University or teachers of the University or regarding the recognition or withdrawal of the recognition of any such teacher and shall exercise general control over the affairs of the University. He shall be responsible for the discipline of the University in accordance with this Act, the Statutes and Ordinances.

(*6*) The Vice-Chancellor shall exercise such other powers as may be prescribed by the Statutes and Ordinances.

Registrar.

12. The Registrar shall be a wholetime salaried officer and shall act as the Secretary of the Senate and of the Syndicate. He shall be appointed by the Syndicate in accordance with the Ordinances; and his emoluments and conditions of service shall be determined by the Ordinances. He shall exercise such powers and perform such duties as may be prescribed by the Ordinances.

Rector and other officers.

13. (*1*) The Senate may create the office of the Rector by a Statute. The Rector shall be a wholetime salaried officer and shall be appointed by the Syndicate. His emoluments and conditions of service shall be determined by Statutes. He shall exercise such powers and perform such duties as may be prescribed by the Statutes or Ordinances.

(*2*) The powers and duties of the officers of the University referred to in clause (v) of section 8 shall be such as may be prescribed by the Statutes and Ordinances.

CHAPTER IV.

Authorities of the University.

Authorities of University.

14. The following shall be the authorities of the University, namely :—

(i) The Senate,

(ii) The Syndicate,

(iii) The Faculties,

(iv) The Boards of Studies, and

(v) Such other authorities of the University as may be declared by the Statutes to be the authorities of the University.

Senate.

15. (*1*) The Senate shall consist of the following members :—

CLASS I—*Ex-Officio members.*

(A) (i) The Chancellor,

(ii) The Vice-Chancellor,

(iii) The Rector (if any),

(iv) Ex-Chancellors and ex-Vice-Chancellors of the society and ex-Vice-Chancellors of the University,

(v) The Deans of Faculties,

(vi) The Registrar.

(B) (i) The Minister of Education, Bombay, or an officer of Government nominated in this behalf by the Minister,

(ii) The Director of Public Instruction, Bombay Province,

(iii) The Director of Industries, Bombay,

(iv) The Surgeon General with the Government of Bombay,

(v) The Vice-Chancellors of other Universities established by law in the Province of Bombay,

(vi) The Secretary, the Additional Secretary or the Joint Secretary to the Department of Education as the Provincial Government may determine,

(vii) The Director, J. J. School of Arts, Bombay,

(viii) The Joint Registrar for Industrial Co-operatives and Village Industries.

(C) (i) Heads of University Departments,

(ii) Principals of affiliated colleges and of colleges maintained and conducted by the University,

(iii) Heads of Recognized institutions,

(iv) Heads of such institutions as may be designated by the Statutes,

(v) Such other *ex-officio* members not exceeding five as may be designated by the Statutes.

CLASS II—*Ordinary members.*

(A) Elected as specified below :—

(i) one member by the Bombay Legislative Council,

(ii) two members by the Bombay Legislative Assembly,

(iii) one member by the Municipal Corporation for the City of Bombay,

(iv) one member by the Indian Merchants' Chamber,

(v) ten members by Registered Graduates.

(B) Eleven members nominated by the Chancellor, one of whom shall be a descendant of Damodar Thackersey.

(C) Donors to, or for the purpose of, the University, of money or property of the value of not less than one lakh of rupees.

Such donors shall, if willing to serve, be members for a period of twenty years from the date of the acceptance by the Senate of any such donation.

(D) One nominee of each of the bodies giving a donation to, or for the purpose of, the University, of money or property of the value of not less than one lakh of rupees :

Provided that the right of making such nomination and, subject also to the provisions of section 47, the tenure of such nominee shall not extend beyond the period of twenty years from the date of the acceptance by the Senate of any such donation.

Explanation.—For the purposes of paragraphs (C) and (D), the value of the property means the market value of the property at the date of acceptance of the donation by the Senate.

(E) Such number of members not exceeding three as may be fixed by the Statutes, to be elected from among themselves by donors to the University each donating less than one lakh of rupees but not less than ten thousand rupees. The term of office of such members shall be as prescribed by the Statutes.

CLASS III—*Members from electoral bodies.*

Elected as specified below :—

(i) five members by such Women's Educational Associations or bodies in the Bombay Province as may be designated by the Statutes,

(ii) five members by teachers of the University,

(iii) five members by teachers in affiliated colleges,

(iv) five members by women who have passed the Matriculation or the Entrance Examination of any University established by law in the Dominion of India or such other equivalent or higher examination of any bodies or institutions as may be prescribed by Statutes and who contribute Rs. 5 annually or Rs. 150 in one lump sum or by instalments extending over a period not exceeding six years, towards the funds of the University,

(v) five members by persons who immediately before the commencement of this Act—

(*a*) have been life members of the association or body referred to in (i) above ;

(*b*) have each subscribed a donation of Rs. 10,000 or more to any such association or body :

Provided that every person elected under clauses (i) to (iv) of paragraph (A) in Class II and under clauses (ii) and (iii) in Class III shall continue to hold the office of a member of the Senate only so long as he is a member of the electing body or a teacher of the University or a teacher in an affiliated college, as the case may be.

CLASS IV—*Special members.*

(i) Shrimati Premlila Thackersey,

(ii) Dr. Dhondo Keshav Karve.

(*2*) The term of office of the elected members and of the members in paragraph (B) in Class II shall be five years.

Meeting of Senate.

16. (*1*) The Senate shall, on a date to be fixed by the Chancellor, meet once a year at a meeting to be called the annual meeting of the Senate.

(*2*) The Vice-Chancellor may, whenever he thinks fit, and shall, upon a requisition in writing signed by not less than twenty-five members of the Senate, convene a special meeting of the Senate.

Powers, duties and funct Senate.

17. Subject to such conditions as may be prescribed by or under the provisions of this Act, the Senate shall exercise the following powers and perform the following duties and functions, namely :—

(i) to make provision for instruction, teaching and training in such branches of learning and courses of study as it may think fit, for research and for the advancement and dissemination of knowledge ;

(ii) to make such provision as will enable affiliated colleges and recognized institutions to undertake specialization of studies ;

(iii) to establish and maintain colleges, departments and institutes of research and specialized studies ;

(iv) to institute professorships, readerships, lecturerships and any other post of teachers required by the University ;

(v) to institute fellowships, travelling fellowships, scholarships, studentships, exhibitions, medals and prizes ;

(vi) to institute and confer degrees, titles, diplomas and other academic distinctions ;

(vii) to confer, on the recommendation of the Syndicate, honorary degrees, titles or other academic distinctions ;

(viii) to make, amend or repeal the Statutes ;

(ix) to consider and pass resolutions on the annual reports, annual accounts and financial estimates ;

(x) to consider the annual financial estimates prepared by the Syndicate and pass resolutions with reference thereto ;

(xi) to elect office-bearers and authorities as provided in the Act and the Statutes ;

(xii) to prescribe the qualifications of professors, readers and lecturers in affiliated colleges and recognized institutions and conditions of their service ;

(xiii) to exercise such other powers and perform such other duties and functions as may be conferred or imposed upon it or required to be performed by this Act or the Statutes and Ordinances.

Syndicate.

18. (*1*) The Syndicate shall be the executive authority as well as the Academic body of the University.

(*2*) The constitution of the Syndicate shall be as prescribed by the Statutes.

(*3*) The Syndicate shall have power to make Ordinances.

Faculties and Deans of Faculties.

19. (*1*) The University shall include the Faculties of Arts (including social sciences and commerce), Science (including Domestic Science), Nursing, Fine Arts and Education and such other Faculties as may be prescribed by the Statutes. Each Faculty shall comprise such subjects as may be prescribed by the Statutes.

(*2*) The constitution, duties and powers of each Faculty shall be as prescribed by the Statutes.

(*3*) There shall be a Dean of Faculty who shall be elected by the Faculty from amongst its members. The term of office of a Dean shall be as prescribed by a Statute.

Board of studies.

20. (*1*) There shall be a Board of studies for every subject or group of subjects as may be prescribed by the Statutes.

(*2*) The constitution, duties and powers of each Board shall be as prescribed by the Statutes.

Other authorities.

21. The constitution, powers and duties of such other bodies as may be declared by the Statutes to be authorities of the University shall be prescribed by the Statutes.

CHAPTER V.

Statutes.

Statutes.

22. Subject to such conditions as may be prescribed by or under the provisions of this Act, the Statutes may provide for all or any of the following matters, namely :—

(i) conferment of honorary degrees ;

(ii) holding of convocations to confer degrees ;

(iii) powers and duties of the officers of the University ;

(iv) institution and maintenance by the University of colleges, departments, institutes of research or specialized studies and hostels ;

(v) acceptance and management of bequests, donations and endowments ;

(vi) registration of graduates and maintenance of a register of registered graduates ;

(vii) procedure at meetings of the authorities of the University and for the transaction of their business ;

(viii) qualifications of professors, readers, lecturers and teachers in affiliated colleges and recognized institutions and their conditions of service ;

(ix) constitution, powers and duties of the authorities of the University, save as provided by this Act ;

(x) the conditions to be complied with by schools desiring recognition for the purpose of sending up pupils as candidates for the Entrance Examination of the University ;

(xi) the conditions to be complied with by schools desiring recognition for the purpose of sending up pupils as candidates for the Secondary School Certificate Examination.

Explanation.—For the purposes of this clause, "schools" shall mean schools in such of the Indian States as the Provincial Government may specify in this behalf;

(xii) the conditions to be complied with by candidates for the Entrance Examination whether sent up by recognized schools or not;

(xiii) all matters which by this Act are to be or may be prescribed by the Statutes.

Statutes, their making, amendment, repeal and operation.

23. (*1*) The Statutes may be made by the Senate or may be amended, repealed or added to by Statutes made by the Senate in the manner hereinafter provided.

(*2*) The Senate may take into consideration the draft of a Statute either of its own motion or on a proposal by the Syndicate.

(*3*) The Syndicate may propose to the Senate draft of any Statute to be passed by the Senate.

(*4*) Such draft shall be considered by the Senate at its next succeeding meeting. The Senate may approve such draft and pass the Statute or may reject it or return it to the Syndicate for reconsideration either in whole or in part together with any amendments which the Senate may suggest. After any draft so returned has been further considered by the Syndicate together with any amendments suggested by the Senate, it shall be again presented to the Senate with the report of the Syndicate thereon and the Senate may then deal with the draft in any manner it thinks fit.

(*5*) Every Statute passed by the Senate shall be submitted to the Chancellor who may give or withhold his assent thereto or refer it back to the Senate for consideration.

(*6*) No Statute passed by the Senate shall have validity until assented to by the Chancellor.

Ordinances.

24. Subject to such conditions as may be prescribed by or under the provisions of this Act, the Syndicate may make Ordinances to provide for all or any of the following matters:—

(i) conditions under which students shall be admitted to courses of studies for degrees, titles, diplomas and other academic distinctions;

(ii) conditions of residence, conduct and discipline of students of the University;

(iii) conduct of examinations;

(iv) recognition of hostels;

(v) recognition of teachers of the University;

(vi) inspection of affiliated colleges, recognized institutions and hostels;

(vii) mode of execution of contracts or agreements for, or on behalf of, the University;

(viii) rules to be observed and enforced by colleges and recognized institutions in respect of transfer of students;

(ix) all matters which by this Act or the Statutes are to be or may be provided for by the Ordinances; and

(x) generally all matters for which provision is, in the opinion of the Syndicate, necessary for the exercise of the powers conferred or the performance of the duties imposed upon the Syndicate by this Act or the Statutes.

Making of Ordinances.

25. (*1*) Ordinances shall be made by the Syndicate.

(*2*) All Ordinances made by the Syndicate shall, except as provided by this Act, have effect from such date as it may direct but every Ordinance so made shall be laid before the Senate and shall be considered by the Senate at its next succeeding meeting.

(*3*) The Senate shall have power by a resolution to cancel or to refer back but not to amend any such Ordinance. The resolution shall be passed by a majority of not less than two-thirds of the members present at such meeting, the majority comprising not less than one-half of the members of the Senate.

(*4*) The Vice-Chancellor shall, on the application of not less than fifty members of the Senate suspend the operation of any such Ordinance until the Senate has considered it as provided in sub-section (*3*).

Rules.

26. Any authority of the University specified in clauses (iii) to (v) of section 14 and any other Board of the University may, subject to the approval of the Syndicate, make rules, consistent with this Act, the Statutes and Ordinances, providing for all matters solely concerning such authority or Board.

CHAPTER VI.

Affiliation and Recognition.

Affiliation.

27. (*1*) A college applying for affiliation to the University shall send a letter of application to the Registrar and shall satisfy the Syndicate—

(*a*) that the college will supply a need in the locality, having regard to the type of education intended to be provided by the college, the existing provision for the same type of education made by other colleges in the neighbourhood, and the suitability of the locality where the college is to be established;

(*b*) that the college is to be under the management of a regularly constituted governing body;

(*c*) that the strength and qualifications of the teaching staff and the conditions governing their tenure of office are such as to make due provision for the courses of instruction, teaching or training to be undertaken by the college;

(*d*) that the buildings in which the college is to be located are suitable, and that provision will be made, in conformity with the Ordinances, for the residence in the college or in lodgings approved by the college, of students not residing with their parents or guardians, and for the supervision and welfare of students;

(*e*) that due provision has been made or will be made for library;

(*f*) where affiliation is sought in any branch of experimental science, that arrangements have been or will be made in conformity with the Statutes and Ordinances for imparting instruction in that branch of science in a properly equipped laboratory or museum;

(*g*) that due provision will, as far as circumstances may permit, be made for the residence of the Principal and some members of the teaching staff in or near the college or the place provided for the residence of students;

(*h*) that the financial resources of the college are such as to make due provision for its continued maintenance and efficient working; and

(*i*) that the college rules fixing the fees, if any, to be paid by the students have not been so framed as to involve such competition with any existing college in the same neighbourhood as would be injurious to the interests of education.

The application shall further contain an assurance that after the college is affiliated, any transference of management and all changes in the teaching staff and all other changes which result in any of the aforesaid requirements not being fulfilled or continued to be fulfilled shall be forthwith reported to the Syndicate.

(*2*) On receipt of a letter of application under sub-section (*1*) the Syndicate shall—

(*a*) direct a local inquiry to be made by a competent person or persons authorized by the Syndicate in this behalf in respect of the matters referred to in sub-section (*1*) and such other matters as may be deemed necessary and relevant;

(*b*) make such further inquiry as may appear to it to be necessary;

(*c*) record its opinion on the question whether the application should be granted or refused, either in whole or in part, stating the results of any inquiry under clauses (*a*) and (*b*); and

(*d*) report to the Senate on the question whether the application should be granted or refused, either in whole or in part, embodying in such report the results of any inquiry under clauses (*a*) and (*b*) and the opinion recorded under clause (*c*).

(*3*) The registrar shall submit the application and all proceedings, if any, of the Syndicate and the Senate relating thereto to the Provincial Government which, after such inquiry as may appear to it to be necessary, shall grant or refuse the application or any part thereof.

(*4*) Where the application or any part thereof is granted, the order of the Provincial Government shall specify the courses of instruction in respect of which the college is affiliated, and, where the application or any part thereof is refused, the grounds of such refusal shall be stated.

(*5*) As soon as possible after the Provincial Government makes its order, the Registrar shall submit to the Senate a full report regarding the application, the action taken thereon under sub-sections (*2*) to (*4*) and of all proceedings connected therewith.

(*6*) An application under sub-section (*1*) may be withdrawn at any time before an order is made under sub-section (*3*).

Extension of affiliation.

28. Where a college desires to add to the courses of instruction in respect of which it is affiliated, the procedure prescribed by section 27 shall, so far as may be, be followed.

Recognition of institutions of research and specialized studies.

29. (*1*) The Syndicate shall have the power to recognize as a recognized institution any institution of research or specialized studies other than a college.

(*2*) An institution applying for recognition under this section shall send a letter of application to the Registrar and shall give full information in the letter of application in respect of the following matters, namely :—

(*a*) constitution and personnel of the managing body ;

(*b*) subjects and courses in regard to which recognition is sought ;

(*c*) accommodation, equipment and the number of students for whom provision has been or is proposed to be made ;

(*d*) the strength of the staff, their qualifications and salaries and the research work done by them ;

(*e*) fees levied or proposed to be levied and the financial provision made for capital expenditure on buildings and equipment and for the continued maintenance and efficient working of the institution.

(*3*) Before taking the application into consideration the Syndicate may call for any further information which it may deem necessary.

(*4*) If the Syndicate decides to take the application into consideration, it may direct a local inquiry to be made by a competent person or persons authorized by it in this behalf. After considering the report made as a result of such local inquiry and making such further inquiry as may appear to it to be necessary, the Syndicate shall report to

the Senate on the question whether the application should be granted or refused, either in whole or in part, embodying in such report the results of any inquiry made by it. The Senate after taking into consideration the report of the Syndicate may grant or refuse the application or any part thereof. Where the application or any part thereof is granted, the Senate shall specify the subjects and the courses of instruction in respect of which the institution is recognized and make a report to that effect to the Syndicate at its next succeeding meeting. Where the application or any part thereof is refused the grounds of such refusal shall be stated.

Inspection of colleges and reports.

30. (*1*) Every affiliated college and recognized institution shall furnish such reports, returns and other information as the Syndicate may require to enable it to judge of the efficiency of the college or institution.

(*2*) The Syndicate shall cause every such college or institution to be inspected from time to time by one or more competent persons authorized by the Syndicate in this behalf.

(*3*) The Syndicate may call upon any college or institution so inspected to take, within a specified period, such action as may appear to it to be necessary in respect of any of the matters referred to in sub-section (*1*) of section 27 and sub-section (*2*) of section 29.

Withdrawal of affiliation.

31. (*1*) The rights conferred on a college by affiliation may be withdrawn in whole or in part or modified if the college has failed to carry out any of the provisions of sub-section (*1*) of section 27 or the college has failed to observe any of the conditions of its affiliation or the college is conducted in a manner which is prejudicial to the interests of education.

(*2*) A motion for the withdrawal or the modification of such rights shall be initiated only in the Syndicate. The member of the Syndicate who intends to move such a motion shall give notice of it and shall state in writing the grounds on which it is made.

(*3*) Before taking the said motion into consideration, the Syndicate shall send a copy of the notice and written statement mentioned in sub-section (*2*) to the Principal of the College concerned, together with an intimation that any representation in writing submitted within a period specified in such intimation on behalf of the college will be considered by the Syndicate :

Provided that the period so specified may, if necessary, be extended by the Syndicate.

(*4*) On receipt of the representation or on the expiry of the period referred to in sub-section (*3*), the Syndicate, after considering the notice of motion, statement and representation, and after such inspection by any competent person

or persons authorized by the Syndicate in this behalf, and such further inquiry as may appear to it to be necessary, shall make a report to the Senate.

(*5*) On receipt of the report under sub-section (*4*) the Senate shall, after such further inquiry, if any, as may appear to it to be necessary, record its opinion in the matter :

Provided that no resolution of the Senate recommending the withdrawal of affiliation shall be deemed to have been passed by it unless the resolution has obtained the support of two-thirds of the members present at a meeting of the Senate, such majority comprising not less than one-half of the members of the Senate.

(*6*) The Registrar shall submit the proposal and all proceedings, if any, of the Syndicate and the Senate relating thereto, to the Provincial Government which, after such further inquiry, if any, as may appear to it to be necessary, shall make such order as it deems fit.

(*7*) Where by an order made under sub-section (*6*), the rights conferred by affiliation are withdrawn in whole or in part or modified, the grounds for such withdrawal or modification shall be stated in the order.

Withdrawal of recognition.

32. (*1*) The rights conferred on an institution by recognition may be withdrawn or suspended for any period if the institution has failed to observe any of the conditions of its recognition or the institution is conducted in a manner which is prejudicial to the interest of education.

(*2*) A motion for such withdrawal or suspension shall be initiated only in the Syndicate. The member of the Syndicate who intends to move such a motion shall give notice of it and shall state in writing the grounds on which it is made.

(*3*) Before taking the said motion into consideration, the Syndicate shall send a copy of the notice and written statement mentioned in sub-section (*2*) to the head of the institution concerned, together with an intimation that any representation in writing submitted within a period specified in the intimation on behalf of the institution will be considered by the Syndicate :

Provided that the period so specified may, if necessary, be extended by the Syndicate.

(*4*) On receipt of the representation or on the expiry of the period referred to in sub-section (*3*), the Syndicate after considering the notice of motion, statement and representation and after such inspection by any competent person or persons authorized by the Syndicate in this behalf, and after such further inquiry as may appear to it to be necessary, shall make a report to the Senate if the Syndicate decides that the recognition should be withdrawn or suspended. No such report for withdrawal or suspension

shall be made unless a resolution to that effect is supported by at least two-thirds of the members present at the meeting of the Syndicate.

(5) On receipt of the report under sub-section (4) the Senate shall, after such further inquiry, if any, as may appear to it to be necessary, decide whether the recognition should be withdrawn or suspended, as the case may be :

Provided that the recognition shall not be withdrawn or suspended unless a resolution of the Senate to that effect is supported by a majority of at least two-thirds of the members present at the meeting of the Senate, such majority comprising not less than one-half of the members of the Senate.

CHAPTER VII.

Teaching in colleges and post-graduate teaching.

Teaching in colleges and post-graduate teaching.

33. Notwithstanding any law for the time being in force, it shall be lawful for the University to conduct instruction, teaching and training beyond the stage of the Entrance Examination and all post-graduate instruction, teaching and training in institutions or colleges recognized by, affiliated to, or conducted by, the University. Such instruction, teaching and training shall be imparted by the teachers of the University.

CHAPTER VIII.

Enrolment and Degrees.

Qualification for enrolment of students of University.

34. No student shall be enrolled as a student of the University unless she has passed—

(i) the Secondary School Certificate Examination conducted by the Secondary School Examination Board in such subjects and with such standards of attainment as may be prescribed by the Statutes, or

(ii) the Entrance Examination, if any, which may be instituted by the University with the consent of the Provincial Government, and held in such subjects and in such manner as may be prescribed by the Statutes, or

(iii) any other examination prescribed as equivalent to the examinations referred to in clauses (i) and (ii),

and possesses such further qualification, if any, as may be prescribed by the Statutes.

Residence of students.

35. Every student of the University shall reside in a hostel or under such conditions as may be prescribed by the Ordinances.

Degrees, titles, diplomas and other academic distinctions.

36. The Senate may institute and confer such degrees, titles, diplomas and other academic distinctions as may be prescribed by the Statutes.

Honorary degrees.

37. If not less than two-thirds of the members of the Syndicate recommend that an honorary degree, title or other academic distinction be conferred on any person on the ground that he is in their opinion, by reason of eminent position and attainments, a fit and proper person to receive such degree, title or other academic distinction and where their recommendation is supported by a majority of not less than two-thirds of the members of the Senate present at a meeting of the Senate, such majority comprising not less than one-half of the members of the Senate, and the recommendation is confirmed by the Chancellor, the Senate may confer on such person the honorary degree, title or other academic distinction so recommended without requiring him to undergo any examination.

Removal from membership of University and withdrawal of degree or diploma.

38. (*1*) The Chancellor may, on the recommendation of the Syndicate and of the Senate supported by a majority of not less than two-thirds of the members of each body present at its meeting, such majority comprising not less than one-half of the members of each body, remove the name of any person from the register of graduates or withdraw from any person a diploma or degree if she has been convicted by a Court of Law of any offence which, in the opinion of the Syndicate and the Senate, is a serious offence involving moral turpitude or if she has been guilty of scandalous conduct.

(*2*) No action under this section shall be taken unless the person concerned is given an opportunity to be heard in her defence in the manner prescribed by the Statutes.

CHAPTER IX.

Committee.

Committee of selection for appointment of teachers of University or on staff of its College.

39. (*1*) No person shall be appointed as a teacher of the University or on the staff of its college except on the recommendation of a Committee of Selection constituted for the purpose.

(*2*) The members of the Committee shall be—

(i) the Vice-Chancellor-*ex-officio* Chairman;

(ii) the Director of Public Instruction, Bombay Province;

(iii) one member elected by the Syndicate;

(iv) one member nominated by the Chancellor on the ground of his special knowledge of the subject or subjects for which the teacher is to be appointed.

(*3*) The Committee shall investigate the merits of the various candidates and shall recommend to the Syndicate the names, if any, of persons whom it considers suitable for the post, arranged in order of merit.

(*4*) Out of the persons so recommended, the Syndicate shall make the final selection :

Provided that where the Syndicate proposes to make the appointment otherwise than in accordance with the order of merit arranged by the Committee, the Syndicate shall record its reasons and submit its proposal for the sanction of the Chancellor.

Committees.

40. All the authorities of the University shall have power to appoint committees. Such committees may include persons who are not members of the authority appointing the committee.

CHAPTER X.

Finance.

University Fund.

41. (*1*) The University shall establish a fund to be called the University Fund.

(*2*) The following shall form a part of, or be paid into, the University Fund :—

(*a*) the annual sum of interest due on Government securities of the face value of Rs. 15 lakhs received by the University under the consent decree ;

(*b*) any contribution or grant by the Provincial Government, the Central Government or a local body ;

(*c*) the income of the University from all sources including income from fees and charges ;

(*d*) bequests, donations, endowments and other grants, if any.

(*3*) The University Fund shall be kept in any scheduled bank as defined in the Reserve Bank of India Act, 1934, or invested in securities authorized by the Indian Trusts Act, 1882, at the discretion of the Syndicate. II of 1934. II of 1882.

Annual accounts and financial estimates.

42. (*1*) The annual accounts of the University shall be prepared under the direction of the Syndicate and shall be submitted to the Provincial Government for audit.

(*2*) The accounts when audited shall be published by the Syndicate in the *Official Gazette* and copies thereof shall, together with the copies of the Audit Report, be submitted to the Senate and to the Provincial Government.

(*3*) The Syndicate shall also prepare, before such date as may be prescribed by the Statutes, the financial estimates for the ensuing year.

(*4*) The annual accounts and the financial estimates shall be considered by the Senate at its annual meeting and the Senate may pass resolutions with reference thereto and

communicate the same to the Syndicate which shall take them into consideration and take such action thereon as it thinks fit, and finally adopt the accounts and financial estimates. The Syndicate shall inform the Senate at its next meeting of the action taken by it or of its reasons for taking no action.

Annual report.

43. The annual report of the University shall be prepared under the direction of the Syndicate and shall be submitted to the Senate on or before such date as may be prescribed by the Statutes and shall be considered by the Senate at the annual meeting. The Senate may pass resolutions thereon and communicate the same to the Syndicate which shall take such action as it thinks fit; and the Syndicate shall inform the Senate at its next meeting of the action taken by it or of its reasons for taking no action.

CHAPTER XI.

Supplementary Provisions.

Conditions of service.

44. Save as otherwise provided by or under this Act, every salaried officer and teacher of the University shall be appointed under a written contract. The contract shall be lodged with the Registrar of the University and a copy thereof shall be furnished to the officer or teacher concerned.

Tribunal of Arbitration.

45. Any dispute arising out of a contract between the University and any officer or teacher of the University shall, on the request of the officer or teacher concerned, be referred to a Tribunal of Arbitration consisting of one member appointed by the Syndicate, one member nominated by the officer or teacher concerned and an umpire appointed by the Chancellor. The decision of the Tribunal shall be final and no suit shall lie in any Civil Court in respect of the matter decided by the Tribunal. Every such request shall be deemed to be a submission to arbitration upon the terms of this section within the meaning of the Indian Arbitration Act, 1940, and the provisions of that Act shall apply accordingly.

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Pension, insurance and provident fund.

46. The University shall make adequate provisions for the benefit of its officers, teachers and other servants in matters of insurance, pension and provident fund or for other benefits as it may deem fit in such manner and subject to such conditions as may be prescribed by the Statutes.

Vacating of office.

47. (*1*) Any member of any authority of the University may resign his office by letter addressed to the Registrar.

(*2*) Any member of any authority of the University shall cease to be a member on his being convicted by a Court of Law of an offence which involves moral turpitude.

Election to be by distributive vote.

48. Every election to the Senate and the Syndicate and recommendation for the nomination to the office of the Vice-Chancellor under this Act shall be made according to the distributive system of voting.

Explanation.—The distributive system of voting means a system of voting in which every voter shall be entitled to give as many votes as there are seats to be filled :

Provided that no voter shall give more than one vote to any one candidate :

Provided further that no voting paper shall be deemed to be valid unless the voter has recorded all the votes which he is entitled to give.

Filling of casual vacancies.

49. When any vacancy occurs in the office of a member (other than an ex-officio member) of any authority of the University before the expiry of the term of office of such member, the vacancy shall be filled up, as soon as conveniently may be, by the election, nomination or appointment, as the case may be, of a member who shall hold office so long only as the member in whose place he has been elected, nominated or appointed would have held it, if the vacancy had not occurred :

Provided that, if the vacancy be of an elected member of the Senate and occurs within six months preceding the date on which the term of office of such member expires, the vacancy shall not be filled.

Proceedings not invalidated by vacancies.

50. No act or proceeding of any authority or other body of the University shall be invalidated merely by reason of any vacancy in its membership.

Disputes as to constitution of University authority or body.

51. If any question arises regarding the interpretation of any provision of this Act or of any Statute, Ordinance or Rule or as to whether a person has been duly elected or appointed as, or is entitled to be or ceases to be entitled to be, a member of any authority of the University, the matter may be referred to the Chancellor who shall, after taking such advice as he deems necessary, decide the question and his decision shall be final.

Protection of acts and orders.

52. All acts and orders in good faith done and passed by the University or any of its authorities or officers shall be final and no suit shall be instituted against or damage claimed from the University or its authorities or officers for anything purporting to be done in pursuance of the Act and the Statutes, Ordinances and Rules framed thereunder.

CHAPTER XII.

Transitory Provisions.

Completion of courses of students in colleges affiliated to society.

53. Notwithstanding anything contained in this Act or the Statutes and Ordinances made thereunder, any student of a college established and maintained by, or affiliated to, the society who, immediately before the date on which this Act comes into force, was studying or was eligible for any examination of the society, shall be permitted to complete her course in preparation therefor, and the University shall provide for such period and in such manner as may be

prescribed by the Statutes for the instruction, teaching, training and examination of such students in accordance with the course of studies of the society.

Transfer of colleges and high schools and their properties to University.

54. Notwithstanding anything contained in any law, on the coming into force of this section, the colleges and high schools specified in the Schedule to this Act and established and conducted by the society immediately before the coming into force of this section shall be deemed to have been established and conducted by the University under this Act, and all rights, powers and privileges of the said colleges and all property, moveable and immovable, thereof shall vest in the University and shall be applied to the objects and purposes for which the University is recognized and established, and all rights, powers and privileges of the said high schools and all property, moveable and immovable, thereof shall vest in the University in order that the University may carry out the terms of the consent decree.

Appointment of Vice-Chancellor.

55. Notwithstanding anything contained in section 10, the first Vice-Chancellor shall be an honorary officer who shall be appointed by the Provincial Government as soon as practicable after the passing of this Act for a period not exceeding three years and on such conditions as the Provincial Government thinks fit.

Appointment of first Registrar.

56. Notwithstanding anything contained in section 12, the first Registrar shall be appointed by the Provincial Government as soon as practicable after the passing of this Act for a period not exceeding three years and on such conditions as the Provincial Government thinks fit.

Transitory powers of first Vice-Chancellor.

57. (*1*) It shall be the duty of the first Vice-Chancellor to make arrangements for constituting the Senate, the Syndicate and other authorities of the University within six months after the date of his appointment or such longer period not exceeding one year as the Provincial Government may, by notification in the *Official Gazette*, direct.

(*2*) The first Vice-Chancellor shall, with the assistance of the Advisory Committee consisting of not more than fifteen members nominated by the Provincial Government,—

(*a*) subject to the provisions of the Act and the approval of the Chancellor,—

(i) make provisional Statutes necessary for constituting the aforesaid authorities and regulating the procedure at their meetings and the transaction of their business,

(ii) draw up any rules that may be necessary for regulating the method of election to the aforesaid authorities ;

(*b*) frame the first Statutes and Ordinances under this Act and submit them for confirmation to the respective authorities when they commence to exercise their functions.

(*3*) The authorities constituted under sub-section (*1*) shall commence to exercise their functions on such date as the Provincial Government may, by notification in the *Official Gazette*, direct.

(*4*) The Statutes and Ordinances framed by the first Vice-Chancellor shall, when confirmed by the respective authorities, be published in the *Official Gazette*.

First appointment of officers and teachers of University.

58. (*1*) At any time after the passing of this Act until such time as the authorities of the University shall commence to exercise their functions—

(*a*) any officer of the University may be appointed by the Vice-Chancellor with the previous sanction of the Chancellor,

(*b*) teachers of the University may be appointed by the Chancellor after considering the recommendations of an Advisory Committee consisting of the Vice-Chancellor, the Director of Public Instruction and such other person or persons, if any, as the Chancellor thinks fit to associate with them.

(*2*) Any appointment made under sub-section (*1*) shall be for such period not exceeding three years and on such conditions as the appointing authority thinks fit :

Provided that no such appointment shall be made until financial provision has been made therefor.

Extra-ordinary powers of first Vice-Chancellor.

59. The Vice-Chancellor appointed under section 55 shall have powers until the Syndicate commences to exercise its functions—

(*a*) with the previous approval of the Chancellor to make additional Statutes to provide for any matter not provided for by the first Statutes,

(*b*) to constitute provisional authorities and bodies and on their recommendations to make rules providing for the conduct of the work of the University,

(*c*) subject to the control of the Provincial Government to make such financial arrangements as may be necessary to enable this Act or any part thereof to be brought into force,

(*d*) with the sanction of the Chancellor to make for a period not exceeding three years such appointments as may be necessary to enable this Act or any part thereof to be brought into force,

(*e*) to appoint any Committee as he may think fit, to discharge such of his functions as he may direct, and

(*f*) generally to exercise all or any of the powers conferred on the Syndicate by or under the provisions of this Act.

Removal by Provincial Government of difficulties at commencement of Act.

60. If any difficulty arises as to the first constitution or re-constitution of any authority of the University after the coming into force of this Act or otherwise in first giving effect to the provisions of this Act, the Provincial Government, as occasion may require, may by order do anything which appears to it necessary for the purpose of removing the difficulty.

Saving.

61. Subject to the provisions of section 15, nothing in this Act shall affect in any way any right, privilege, obligation or liability acquired, accrued or incurred under the consent decree.

Dissolution of Society known as S. N. D. T. Indian Women's University and transfer of all property to University.

62. From the commencement of this section—

(i) the Society known as the Shree Nathibai Damodar Thackersey Indian Women's University and registered under the Societies Registration Act, 1860, shall, notwithstanding anything contained in the said Act, be deemed to have been dissolved and all property, moveable and immovable, and all rights, powers and privileges of the said Society shall be transferred to and vest in the University and shall be applied to the objects and purposes for which the University is recognized and established;

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(ii) all debts, liabilities and obligations of the said Society shall be transferred to the University and shall thereafter be discharged and satisfied by it;

(iii) all references in any enactment to the said Society shall be construed as references to the University;

(iv) any will, deed, consent decree or other document, whether made, executed or passed before or after the commencement of this Act, which contains any bequest, gift, terms or trust in favour of the said Society shall, on the commencement of this section, be construed as if the University was therein named instead of such Society;

(v) subject to any orders which the Court may make, the buildings which belonged to the said Society shall continue to be known and designated by the names and style by which they were known and designated immediately before the commencement of this section;

(vi) subject to the provisions of this Act, every teacher employed immediately before the commencement of this section in the S. N. D. T. College for Women, Bombay, and S. N. D. T. College for Women, Poona, shall hold employment in the University by the same tenure and

upon the same terms and conditions and with the same rights and privileges as he would have enjoyed under the said Society if this Act had not been passed.

SCHEDULE.

(*See* section 54.)

Colleges.

1. S. N. D. T. College for Women, Bombay.
2. S. N. D. T. College for Women, Poona.

High Schools.

1. S. N. D. T. Kanyashala, Bombay.
2. S. N. D. T. Kanyashala, Poona.